

(Wednesday, January 27, 1993)

S.B. 169 by Carriker Committee of the Whole Senate on
Relating to venue for redistricting suits. Redistricting, Ethics and Elections

S.B. 185 by Barrientos Committee of the Whole Senate on
Redistricting, Ethics and Elections
Relating to the method of choosing presidential electors.

S.B. 186 by Barrientos Education
Relating to a report submitted to the legislature by the Central Education Agency about the statewide dropout rate.

S.B. 187 by Whitmire Criminal Justice
Relating to the definition of a criminal street gang for purposes of prosecution.

S.B. 188 by Whitmire Criminal Justice
Relating to the fingerprinting and photographing of certain children.

S.B. 189 by Whitmire Criminal Justice
Relating to the registration of certain persons convicted of obscenity offenses under the sexual offenders registration program.

S.B. 190 by Moncrief Economic Development
Relating to the adoption of minimal safety standards for elevators, escalators, and related equipment, to the creation of the elevator advisory board, and to inspections of elevators, escalators, and related equipment; providing a penalty.

S.B. 191 by Brown Criminal Justice
Relating to the disposition of abandoned or unclaimed property, gambling paraphernalia, prohibited weapon, criminal instrument, and other contraband.

S.B. 192 by Brown Intergovernmental Relations
Relating to the person designated to dispose of abandoned or unclaimed property in a municipality.

S.B. 193 by Haley Jurisprudence
Relating to the creation of a judicial district composed of Nacogdoches County.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
January 27, 1993

TO THE SENATE OF THE SEVENTY-THIRD LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

TO BE COMMISSIONER OF THE TEXAS HEALTH AND HUMAN
SERVICES COMMISSION for a term to expire February 1, 1995, to be
effective February 1, 1993:

RICHARD C. LADD
5811 Mesa Drive #221
Austin, Texas 78731

Commissioner Ladd is being reappointed.

Respectfully submitted,
/s/Ann W. Richards
Governor of Texas

ESCORT COMMITTEE APPOINTED

In accordance with the provisions of H.C.R. 19, the President announced the appointment of the following as a Committee to Escort the Honorable Ann W. Richards to the Joint Session: Senators Zaffirini, Chair; Truan, Ellis, West, and Shapiro.

SENATE CONCURRENT RESOLUTION 9

Senator Montford offered the following resolution:

S.C.R. 9, Inviting the Honorable Lloyd Bentsen to address a joint session of the legislature on a date in February or another date that is agreeable to him.

The resolution was read.

On motion of Senator Montford and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

SENATE RESOLUTION 114

Senator Harris of Dallas offered the following resolution:

WHEREAS, It is a distinct honor and great pleasure for the Senate of the State of Texas to recognize one of its most respected members, Senator Bill Sims; and

WHEREAS, Senator Sims is celebrating his 61st birthday January 27, 1993, and he and his wife, Sue, celebrate their 38th wedding anniversary on January 28, 1993; and

WHEREAS, A distinguished gentleman and statesman, Senator Sims has long been beloved by the citizens of Texas and by his colleagues in the Senate; and

WHEREAS, A man of many talents, Senator Sims is a rancher and a businessman who has served for 27 years as the executive secretary of the Texas Sheep and Goat Raisers Association; and

WHEREAS, An expert on the needs and interests of West Texas counties and an esteemed leader in the community, he serves on numerous state and national agriculture advisory committees and is consulting editor of The Ranch magazine; and

WHEREAS, He is a member of the Texas Feed and Fertilizer Advisory Committee, the National Fibers and Food Protein Commission, and the Advisory Committee on Interstate Oil Compact; and

WHEREAS, Over the years, Senator Sims has brought a wealth of knowledge to the legislature, and he is legendary for his integrity, charm, dignity, and warm sense of humor; and

WHEREAS, Resourceful and committed to the welfare of the citizens of Texas, Senator Sims continues to represent his constituency with a keen sense of fairness, loyalty, and dedication; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 73rd Legislature, hereby extend best wishes for a joyous birthday to Senator Bill Sims; and, be it further

RESOLVED, That a copy of this Resolution be prepared for him as an expression of esteem from the Texas Senate.

HARRIS OF DALLAS
HALEY

The resolution was read.

On motion of Senator Haley and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Harris of Dallas, the resolution was adopted by a viva voce vote.

SENATE RULE 11.11 SUSPENDED

On motion of Senator Barrientos and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Nominations might consider the reappointment of Richard C. Ladd as Commissioner of the Texas Health and Human Services Commission tomorrow.

CAPITOL PHYSICIAN

The President recognized Senator Zaffirini, who presented Dr. Francisco Barrera of San Antonio as the "Doctor for the Day."

Dr. Barrera, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was made welcome by the Senate.

MOTION TO RECESS

On motion of Senator Harris of Dallas and by unanimous consent, the Senate at 11:08 a.m. agreed to recess, upon conclusion of the Joint Session today, until 10:00 a.m. tomorrow.

JOINT SESSION

(To hear the State of the State Address by the Honorable Ann W. Richards, Governor of Texas)

The President announced the time had arrived for the Joint Session as provided by H.C.R. 19.

The President of the Senate and the Senators present, escorted by the Secretary of the Senate and the Sergeant-at-Arms, proceeded to the Hall of the House of Representatives to hear the address by the Honorable Ann W. Richards, Governor of Texas.

The President was announced and, on invitation of the Speaker, occupied a seat at the Speaker's rostrum.

The Senators were announced and were admitted and escorted to seats prepared for them along the aisle.

The Honorable Ann W. Richards, Governor of Texas, was announced and was escorted to the Speaker's rostrum by Senators Zaffirini, Chair; Truan, Ellis, West, and Shapiro on the part of the Senate and

Representatives Conley, Chair; Bailey, Hernandez, Hunter of Taylor, and Place on the part of the House.

The President called the Senate to order and announced a quorum of the Senate present.

The Honorable Pete Laney, Speaker of the House of Representatives, called the House to order, announced a quorum of the House present, and stated the purpose of the Joint Session.

The President introduced Her Excellency Ann W. Richards, who addressed the Joint Session as follows:

ADDRESS BY THE GOVERNOR

(Note to the reader: The Governor frequently deviates from prepared remarks.)

One week ago today, I stood and watched as the 42nd President of the United States took the oath of office.

Whether you are a Democrat or a Republican, whether your candidate won or lost, the orderly transfer of power from one administration to another is an awesome sight.

Standing on the Capitol steps on that bright winter noon, being part of the spectacle, looking out at a crowd of a million witnesses to history, reminds you that we are part of a two-hundred-year continuum—that the work we do in these corridors makes us responsible for more than tomorrow's headlines.

The idealism that drew us to this calling is remembered most, I think, at the ceremonies that mark the beginning of our service.

So, as I stood in Washington, I thought of my inauguration, just as I suspect many of you thought of the opening ceremonies here two weeks ago: the day you wore your best and brought your family and felt the full measure of the honor and responsibility you had taken on.

As the session progresses and that ceremony recedes from memory, it is easy to lose touch with the feeling.

Today I am asking you to hold on to that sense of purpose and shared responsibility.

Because the people who sent us here want leadership, not partisanship.

They want to know that we get up every morning and go to work—not to lay a predicate for the next election but to lay a foundation for a stronger Texas.

The economic framework is already in place.

Two years ago we began the session in economic uncertainty.

Now we are leading this nation out of recession.

Last year we created more new jobs than any other state in the union, one out of every three in the country.

Of the 50 national and international companies that we have called on in the last two years, almost two-thirds have relocated or expanded their operations in Texas because they are convinced that this is the place to be.

It is no accident that President Clinton and President Salinas of Mexico met in Texas.

We are literally becoming the geographic, intellectual, and cultural center, not of a region, but of a hemisphere.

North, south, east, and west, Texas is the crossroads for the passage from the stagnant economy of the past to international leadership in the twenty-first century.

This state has all the gears engaged again, and we are about to pop the clutch and put it into overdrive.

Our job this session is to make the decisions that keep us on track.

We must be ready to take advantage of every opportunity that comes our way—whether it comes from a change in national policies or international economics.

To do that, we must keep government lean and make smart decisions about our future.

The people of Texas have told us that they want us to live within our means, and we are going to do it.

Today we are laying out the governor's budget proposal.

It is called "Working for Texas" because the message we want to send to the people of Texas is that government can work, and that this legislature and this governor are ready, willing, and able to get the job done.

In constructing the budget, our first priority was preserving the fragile web of basic human services and protecting other gains we have made in previous sessions.

We stand firm behind those gains: stronger protection for the environment, stabilized insurance rates, government efficiency and consolidation, better nursing homes, opening the doors of power for all Texans.

The budget we are presenting today is based on the Comptroller's estimate that 1.8 billion dollars in additional revenue will be available.

We have identified over three billion dollars in efficiency savings—including an innovative early retirement program that will produce savings we can apply toward employee health insurance costs.

And we have drawn on John Sharp's superb work with this round of his performance reviews.

In his briefings with the leadership, Sharp has indicated that the recommendations can save billions.

In the Governor's budget, we count on at least 750 million.

We stripped this budget to the essentials, but we kept the essentials in place.

It is a fair budget that allows us to move the Texas agenda forward.

The first item on that agenda is keeping our schools open.

For the first time in a long time, we are making real progress in our schools.

Test scores are up.

The drop-out rate is down.

The momentum has finally swung in favor of our kids.

Local control is a reality because we are pushing the decisions down to the local communities and the classroom where they belong.

We are clearing out the bureaucratic deadwood.

Commissioner of Education Skip Meno is doing a great job.

The cloud behind this silver lining is school finance.

The District Court has made it clear to the Comptroller, to the Commissioner of Education—and, I hope, to every member of this legislature—that unless we have an acceptable system of school finance on-line in time, the schools will close.

If that happens, I cannot imagine an excuse or an explanation that would satisfy Texans in any district of this state.

And the reaction among businesses that are considering Texas for relocation or expansion would be devastating.

We cannot allow that to happen.

And I don't believe we will.

The Lieutenant Governor and Senator Ratliff are moving forward with their plan.

The Speaker has given this House a deadline of 30 days, and I understand that Representative Linebarger and the other Members working with her intend to meet that deadline.

I am ready to work with them and with you.

It is time for us to settle the court's concern about money and to be honest with ourselves about how to spend that money well.

Because you and I know that we can talk about quality and excellence until the world looks level, but the only way we are going to get the best schools is to get and to keep the best teachers.

That means paying a professional wage and offering professional benefits.

In the budget distributed to you today, we have set aside 300 million dollars to fund a 5 percent across-the-board pay raise for teachers.

We have eliminated the career ladder without penalizing the teachers who currently receive salary supplements.

And we are making good on last session's promise of health insurance for all teachers.

The Seventy-second Legislature gave local school districts access to the same insurance as state employees.

But after the session, the Employee Retirement System raised objections.

To overcome those objections that caused E.R.S. to stall insurance for teachers for over a year, we have included an extra 18.8 million dollars in our budget.

We hope these initiatives demonstrate that we know that good teachers make good schools.

Mark Twain was smart enough to advance the theory that every time you close a school, you have to open a prison.

Last session we began opening prisons that may actually save money and lives in the long run.

The massive 12,000-place drug intervention program that you approved is a national model.

We are taking the lead in attacking the cause of 80 percent of our crime.

You ought to be proud of that.

Since I took office, we have done our best to reduce the revolving door in our prisons administratively.

Thanks to the leadership of Pardons and Paroles Chairman Jack Kyle, we have cut the parole rate in half.

And we think that has contributed to a reduction of crime in our major cities.

But we can do more.

I endorse the recommendation that violent criminals must be the first to be put in prison and the last to leave.

John Whitmire's bill prohibiting lobbying of the parole board by former employees is a must.

We need community-based corrections programs like those proposed in Harris County and Travis County.

They can help us reserve state cells for the most dangerous criminals and give local communities greater control of the criminals in their jurisdiction.

Truth in sentencing and straightforward punishment standards must be passed so Texas juries can pronounce a sentence and know the time will be served.

I will ask this legislature to give juries the option of a life sentence without the possibility of parole and make it mandatory for capital offenses where the death penalty is not invoked.

And to help police prevent violent crime before it happens, I will strongly support the adoption of a Texas "anti-stalking" law.

Once we have dealt with the basics—with our schools and our safety—I want this legislature to look ahead to make smart decisions about our future.

We are about to have a major change in the direction of health care in this nation.

This biennium, for the first time, our health and human services needs will cost more than our public schools, and it is being driven primarily by Medicaid and health care costs.

To take advantage of shifts in Washington and help our people make the most of them, we must be prepared to act, to adapt to the national direction, and make the best case for Texas when federal dollars are handed out.

I am going to begin this session with two key proposals.

First, I will ask you to pass an Immunization Act that ensures every child in this state access to immunization for preventable childhood diseases.

It is absurd for us to forego a 20 dollar shot that can protect against illnesses that needlessly cost lives and thousands of dollars to treat.

We have budgeted 50 million dollars for the program.

And to make it easier for Texas children to get the health care they need, I will vigorously support school-linked health programs.

Second, I will ask this legislature to take the first important steps toward health insurance reform in Texas by passing an Insurance Availability Act that will guarantee every Texan access to an insurance plan that will provide basic health care, including primary and preventive care.

We will ask you to help us place reasonable limits on the annual increase in the cost of health insurance and to help small business employers reduce their cost of insurance by setting up purchasing pools that give them the buying power to make insurance available to their employees.

And we are asking you to help us get ahead of the curve in job training.

A well-trained work force is essential to economic success.

And the only training worth having is tied to a job.

Texas business can provide a lot of that training.

But for Texas to stay competitive, government must help.

To make that happen, we propose the creation of the Smart Jobs Fund.

The fund will give us 50 million dollars of working capital, money that Texans can use to train and upgrade the skills of their employees.

And training packages can be used as an incentive to help us attract new businesses.

The fund would be created out of the surplus in the unemployment compensation fund and would not require any new taxes.

And, while I have not seen the specifics, I hope we will all be receptive to John Sharp's plan to consolidate and better coordinate our job training and vocational efforts.

If it saves money and improves the services available to Texans, it deserves our encouragement and support.

Because saving money and improving service—making government work—is what this job is all about.

We have to work hard and we have to work smart, because we work for the people of Texas.

A lot of you have heard me tell the story about the old ranch foreman who came up to me in West Texas, asked for my autograph, and with just a hint of tears in his eyes, said, "I cannot imagine what a great honor it must be to be the Governor of Texas."

It is a great honor—the honor of public service that I share with every member of this legislature.

But is also a job that every one of us has sworn to do.

God willing, we will do that job so that years from now we can look back and be proud of what we did together for Texas.

The Joint Session having been concluded, the House stood At Ease pending the departure of the guests.

CONGRATULATORY RESOLUTION

S.R. 113 - By Wentworth: Congratulating Jacqueline and Brendan George on the birth of their son, Griffin Amin George.

RECESS

The President announced that, pursuant to a motion previously adopted by the Senate, the Senate would stand recessed until 10:00 a.m. tomorrow.

APPENDIX

REPORTS OF STANDING COMMITTEES

The following committee reports were received by the Secretary of the Senate:

January 27, 1993

INTERGOVERNMENTAL RELATIONS — C.S.S.B. 88, C.S.S.B. 92

FINANCE — S.B. 171

SENT TO GOVERNOR

(January 27, 1993)

S.C.R. 4

S.C.R. 6

SIXTH DAY

(Continued)

(Thursday, January 28, 1993)

AFTER RECESS

The Senate met at 10:00 a.m. and was called to order by the President.

CO-AUTHOR OF SENATE BILL 17

On motion of Senator Carriker and by unanimous consent, Senator Rosson will be shown as Co-author of S.B. 17.

CO-AUTHOR OF SENATE BILL 75

On motion of Senator Whitmire and by unanimous consent, Senator Sibley will be shown as Co-author of S.B. 75.

CO-AUTHOR OF SENATE BILL 89

On motion of Senator Truan and by unanimous consent, Senator Rosson will be shown as Co-author of S.B. 89.

CO-AUTHOR OF SENATE BILL 90

On motion of Senator Truan and by unanimous consent, Senator Rosson will be shown as Co-author of S.B. 90.

CO-AUTHOR OF SENATE BILL 195

On motion of Senator Haley and by unanimous consent, Senator Parker will be shown as Co-author of S.B. 195.

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time, and referred to the committees indicated: